

IN RE: PETITIONS FOR SPECIAL HEARING & ZONING VARIANCE * BEFORE THE N/S Frederick Road, 320 ft. E of C/I of Rolling Road 1824 Frederick Road 1st Election District * OF BALTIMORE COUNTY 1st Councilmanic District * Case No. 93-236-SPHA Catonsville Historical Society, Inc. * Petitioner *****

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing and a Petition for Zoning Variance for that property located at 1824 Frederick Road in the Catonsville section of Baltimore County. The property is known as the headquarters/museum of the Catonsville Historical Society, Inc. The Petitions are filed by that corporation through its President, Joan Z. Bender.

As to the Petition for Special Hearing, approval is sought of an amendment to a special exception previously granted in case No. 75-148-SPHX, to allow an addition to the existing museum building to be used as a display area and for offices. As to the Petition for Zoning Variance, relief is sought from Section 1801.2.C.1.a. of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 16 ft. side yard setback for existing Building "C", in lieu of the minimum required 30 ft.; and a building separation of 20 ft. between Building "C" and Addition "D", in lieu of the minimum required 60 ft. Also requested is relief from Sections 409.8.A.2 and 409.8.A.6 of the B.C.Z.R. to allow a crushed rock and grass parking area to remain unstriped, in lieu of the required macadam striped parking area. All of the relief requested is more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petitions for Special Hearing and Zoning Variances.

Appearing on behalf of the Petitions was Joan Z. Bender, President of the Catonsville Historical Society, Inc., owner of the subject property. Also appearing was Geoffrey Schultz from McKee and Associates, Inc., the engineering/planning firm which prepared the site plan. Also present on behalf of the Petition was Robert Carroll and Eugene B. Adams. The Petitioner was represented by Dorothy M. Beaman, Esquire. There were no Protestants present.

Testimony and evidence offered was that the subject site is located immediately adjacent to Frederick Road in Catonsville. The site is zoned D.R.2 and is approximately 1.317 acres in gross area. Presently, it is improved by three existing buildings, shown on the site plan as Buildings "A", "B" and "C". Collectively, they are approximately 3500 square feet in area.

These structures are used as the headquarters and museum for the Catonsville Historical Society. The Society promotes the rich history of Catonsville by providing exhibits, lectures and other informative services to the public. Many antiques, from the early days of Catonsville, are on display. The museum features two employees and is open to the public two days each month and by special appointment.

In order to enlarge the facilities and provide needed office space, an addition of 521 sq. ft. is proposed. This proposed addition will be constructed on the front of existing Building "B" so as to connect same with existing Building "A".

As to the Petition for Special Hearing, the zoning history of this site is that a special exception to permit a museum as part of a conservatory for music and other arts was granted by then Zoning Commissioner, S. Eric DiNenna under zoning case No. 75-148-XSPH. The Petition for Special

Hearing filed in the instant case seeks an amendment of that special exception for the proposed addition. Clearly, the evidence and testimony presented was that construction of the addition and amendment of the special exception will not be detrimental to the health, safety and general welfare of the locale. All of the tests designated in Section 502.1 of the B.C.Z.R. will be satisfied. Obviously, the property is used in a worthwhile fashion and the activity thereon can be conducted without any detriment to the surrounding community. In fact, the museum and services provided are an asset to the Catonsville area.

As to the Petition for Zoning Variances, a variance from Section 1801.2.C.1.A to allow a 16 ft. side yard setback for Building "C" is necessary to legitimize an existing condition. It is to be noted that the site is heavily wooded and landscaped. The structure known as Building "C" has been at its present location for many years. By oversight, this necessary variance was not obtained in the original case. Obviously, it should be granted now. To deny the variance would require the Petitioner to relocate its building to provide the required 30 ft. setback from the side property line. This would, clearly, constitute a practical difficulty on the Petitioner and should not be required.

The second variance requested relates to a 20 ft. building separation distance between existing Building "C" and the proposed addition. Although the addition is new, the distance between the existing buildings is less than the required 60 ft. Therefore, this variance is, likewise, needed to legitimize an existing condition and should, therefore, be granted. It is again to be noted that the site is heavily wooded and for the buildings to maintain the required distance between them would necessitate a disturbance of much of the lot which is unimproved. In this instance, it is clearly

far more preferable to keep the buildings grouped in the manner proposed and, therefore, vary the building separation distance.

Lastly, parking variances are requested to allow the crushed rock grass surface, which will not be striped, in lieu of the macadam striped parking area. Due to the limited hours of operation and small number of employees, there is not heavy traffic on this site. The parking that is provided is more than sufficient to accommodate the traffic flow to and from the property. Further, maintenance of a crushed run/grass lot is more in keeping with the historical character of the building and facility. For all of these reasons, I am persuaded that this variance should, likewise, be granted and that a macadam striped parking area is not necessary.

In sum, it is clear that the Petitioner has satisfied its burden for the special hearing to be granted, pursuant to the provisions of Section 502.1 of the B.C.Z.R. Likewise, the Petitioner has met its burden as it relates to the granting of the variances, as set forth in Section 307 of the B.C.Z.R. There is no indication that the proposed improvements and continued operation of the use on this site will be detrimental to the health, safety and general welfare of the community, or will, in any way, negatively affect the surrounding locale. For the reasons set forth above, the Petition for Zoning Variances will, therefore, be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 9th day of March, 1993 that the Petition for Special Hearing, seeking approval of an amendment to a special exception previously granted in case No. 75-148-SPHX, to allow an addition to the existing museum build-

ing to be used as a display area and for offices, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a Petition for Zoning Variance from Section 1801.2.C.1.a. of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 16 ft. side yard setback for existing Building "C", in lieu of the minimum required 30 ft.; and a building separation of 20 ft. between Building "C" and Addition "D", in lieu of the minimum required 60 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Sections 409.8.A.2 and 409.8.A.6 of the B.C.Z.R. to allow a crushed rock and grass parking area to remain unstriped, in lieu of the required macadam striped parking area, all in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein.

- The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 9, 1993

Dorothy M. Beaman
Attorney at Law
Hooper, Kiefer and Cornell
406 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing and Zoning Variance
Case No. 93-236-SPHA

Dear Mrs. Beaman:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Zoning Variance have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

alt.

cc: Mrs. Joan Z. Bender, President, Catonsville Historical Society, Inc.
cc: Mr. Geoffrey Schultz, McKee and Associates, Inc.



Petition for Special Hearing to the Zoning Commissioner of Baltimore County for the property located at 1824 Frederick Road

which is presently zoned DR-2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 307 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an amendment to special exception 75-148 SPHX to allow on addition to the existing museum for display area and offices.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase/Lesse		Legal Owner(s)	
(Type or Print Name)		CATONSVILLE HISTORICAL SOCIETY	
Signature		Joan Z. Bender, President	
Address		1824 Frederick Road	
City		Catonsville, Maryland 21228	
State		MD	
Zip Code		21228	
Attorney for Petitioner		Dorothy M. Beaman	
(Type or Print Name)		Hooper, Kiefer & Cornell	
Signature		Dorothy M. Beaman	
Address		406 W. Pennsylvania Avenue	
City		Towson, Maryland 21204	
State		MD	
Zip Code		21204	
ESTIMATED LENGTH OF HEARING		1 1/2 hr.	
the following date		Next Two Months	
ALL		OTHER	
REVIEWED BY: LG		DATE: 1-21-93	



Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at 1824 Frederick Road

which is presently zoned DR-2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 1801.2.C.1.a. to allow a 16 foot side yard for the existing Building "C" in lieu of the minimum required 30 feet and a building separation of 20 feet between Building "C" and Addition "D" in lieu of the minimum required separation 60 feet and Section 409.8.A.2 and 6 to allow a crushed rock and grass parking area to remain unstriped, in lieu of the required macadam striped parking area. The side yard setback and building separation are existing conditions which cannot be remedied and will not be changed by the construction of the addition. The parking lot is regularly used by not more than 2 or 3 cars so there are enough cars to cause parking on the grass are extremely rare and in such cases, drivers are encouraged to park across the street.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase/Lesse		Legal Owner(s)	
(Type or Print Name)		CATONSVILLE HISTORICAL SOCIETY	
Signature		Joan Z. Bender, President	
Address		1824 Frederick Road	
City		Catonsville, Maryland 21228	
State		MD	
Zip Code		21228	
Attorney for Petitioner		Dorothy M. Beaman	
(Type or Print Name)		Hooper, Kiefer & Cornell	
Signature		Dorothy M. Beaman	
Address		406 W. Pennsylvania Avenue	
City		Towson, Maryland 21204	
State		MD	
Zip Code		21204	
ESTIMATED LENGTH OF HEARING		1 1/2 hr.	
the following date		Next Two Months	
ALL		OTHER	
REVIEWED BY: LG		DATE: 1-21-93	

93-236-SPHA
MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21030

Telephone: (410) 527-1555
Facsimile: (410) 527-1563

January 13, 1993



ZONING DESCRIPTION OF
1824 FREDERICK ROAD
FIRST ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning at a point on the north side of Frederick Road (80 feet wide) at the distance of 320 feet east of the centerline of North Rolling Road; thence running North 04° 34' East 225.00 feet, South 86° 15' East 225.00 feet, South 04° 34' West 225.00 feet, and North 86° 15' West 225.00 to the place of beginning.

Containing 50,625 square feet or 1.16 acres of land, more or less, and being recorded in deed Liber 5452, folio 931.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: 2/3/93
Posted for: Special Hearing & Variance
Petitioner: Catonville Historical Society
Location of property: 1824 Frederick Rd. 2nd E. of Rolling Rd.
Location of Sign: 1824 Frederick Rd. 2nd E. of Rolling Rd.
Remarks: None
Posted by: Matthew Date of return: 2/1/93
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/4, 1993

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/4, 1993

THE JEFFERSONIAN,

S. Zeke Olson

Publisher

\$105.44

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6190

Number

Date

1824 FREDERICK ROAD
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1824 FREDERICK ROAD

040040079MCHRC \$500.00
SA 001028A01-21-93

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6190

Number

Date

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Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JANUARY 27, 1993

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-236-SPHA (Item 249)
1824 Frederick Road, 320' E of c/o Rolling Road
1824 Frederick Road (Pulley Museum Buildings)
1st Election District - 1st Councilmanic
Petitioner(s): Catonville Historical Society
HEARING: TUESDAY, FEBRUARY 23, 1993 at 11:00 a.m. in Rm. 118, Old Courthouse.

Special Hearing to approve an amendment to special exception #75-148-SPHA to allow an addition to the existing museum for display area and offices.
Variance to allow a 16 foot side yard for the existing Building "C" in lieu of the minimum required 30 feet and a building separation of 20 feet between Building "C" and Addition "D" in lieu of the minimum required separation of 60 feet; and to allow a crushed rock and grass parking area to remain unstriped, in lieu of the required macadam striped parking area.

Arnold Jablon
Director

cc: Catonville Historical Society
Dorothy M. Beaman, Esq.
McKee & Associates, Inc.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

February 9, 1993

(410) 887-3353

Dorothy M. Beaman, Esquire
Hooper, Kiefer and Cornell
406 W. Pennsylvania Avenue
Towson, MD 21204

RE: Case No. 93-236-SPHA, Item No. 249
Petitioner: Catonville Historical Society
Petition for Special Hearing and Variance

Dear Ms. Beaman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on January 21, 1993 and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: February 8, 1993
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for February 8, 1993
Item No. 249

The Developers Engineering Division has reviewed the subject zoning item. The proposed addition creates an "impacted area" that is subject to the Landscape Manual.

Robert W. Bowling
ROBERT W. BOWLING, P.E. Chief
Developers Engineering Division

RWB:DAK:s

MDA
Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

February 3, 1993

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Baltimore County
MD 144-Frederick Road
Catonville Historical
Society
Item #249 (LJG)

Dear Ms. Winiarski:

This office has reviewed the plan for the referenced item and we offer the following:

Since the proposed expansion will not generate a substantial amount of additional traffic, and the entire area of development barely exceeds 10% of the existing site, we have no objection to approval of the variance request.

However, we want to go/record that additional improvements to this access may be required in the event of future expansion or development on site.

If you have any questions, please contact Bob Small at 410-333-1350. Thank you for the opportunity to review this plan.

Very truly yours,

John Contestabile, Chief
Engineering Access Permits
Division

BS/es

My telephone number is 410-333-1350 (Fax# 333-1041)

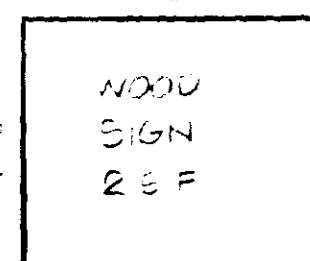
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

GENERAL NOTES

1. This site lies within Election District No. 1
2. This site lies within Councilmanic District No. 1
3. This site lies within Census Tract No. 324B
4. The existing site is 75% wooded with no trees to be removed.
5. This site is served by public water and sewer.
6. There shall be no clearing, grading, construction or disturbance of vegetation in the forest buffer easement except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.
7. Any forest buffer easement shown hereon is subject to protective covenants which may be found in the land records of Baltimore County and which may restrict disturbance and use of these areas.
8. Number of employees: 2
9. Hours of operation: 2nd and 4th Thursday of every month from 9:00 a.m. to 1:00 p.m. and by special appointment.
10. The proposed building will be completely handicap accessible.
11. Permission has been granted by Five Oaks Pool, Inc. permitting off-site parking directly across Frederick Road from the site.

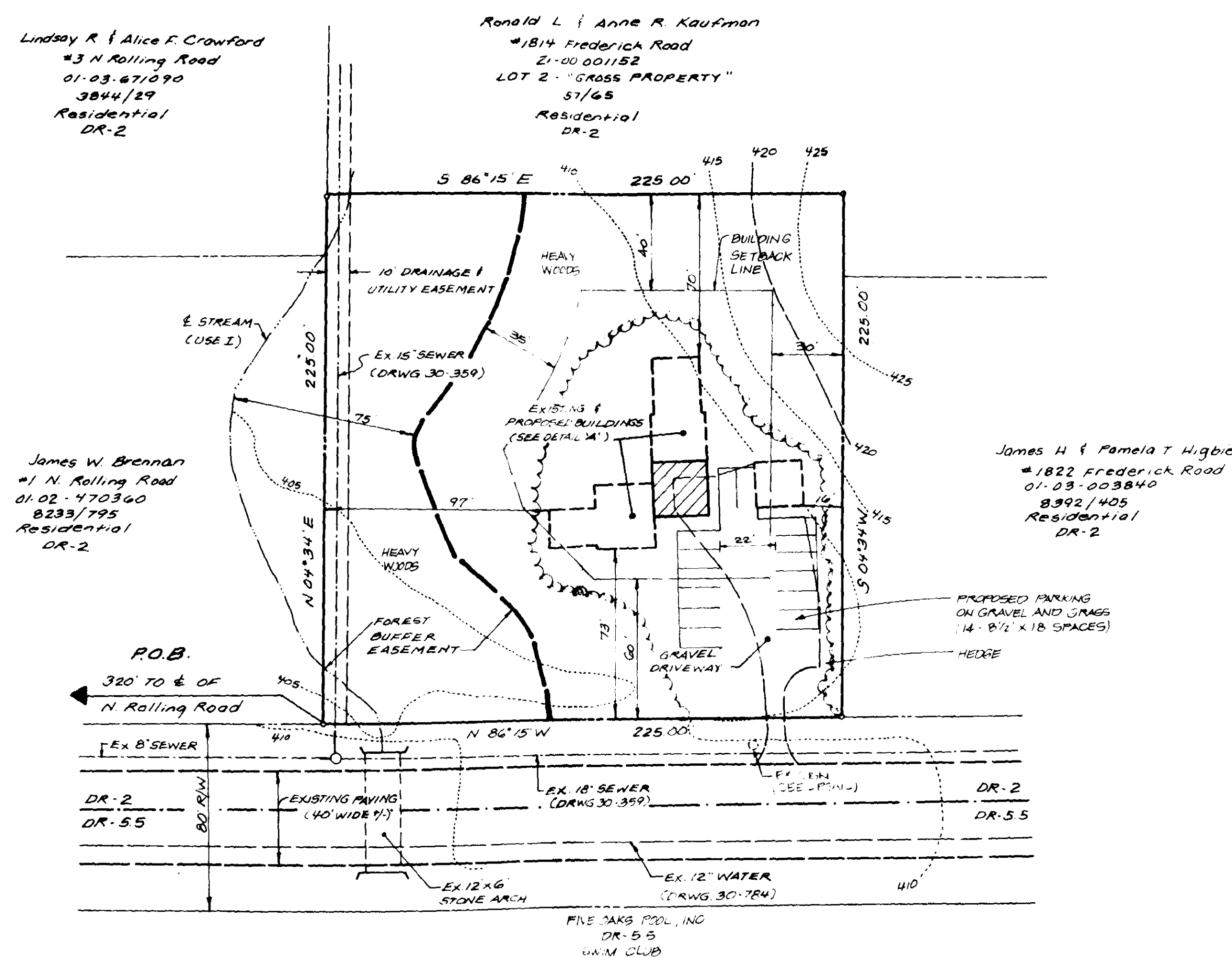
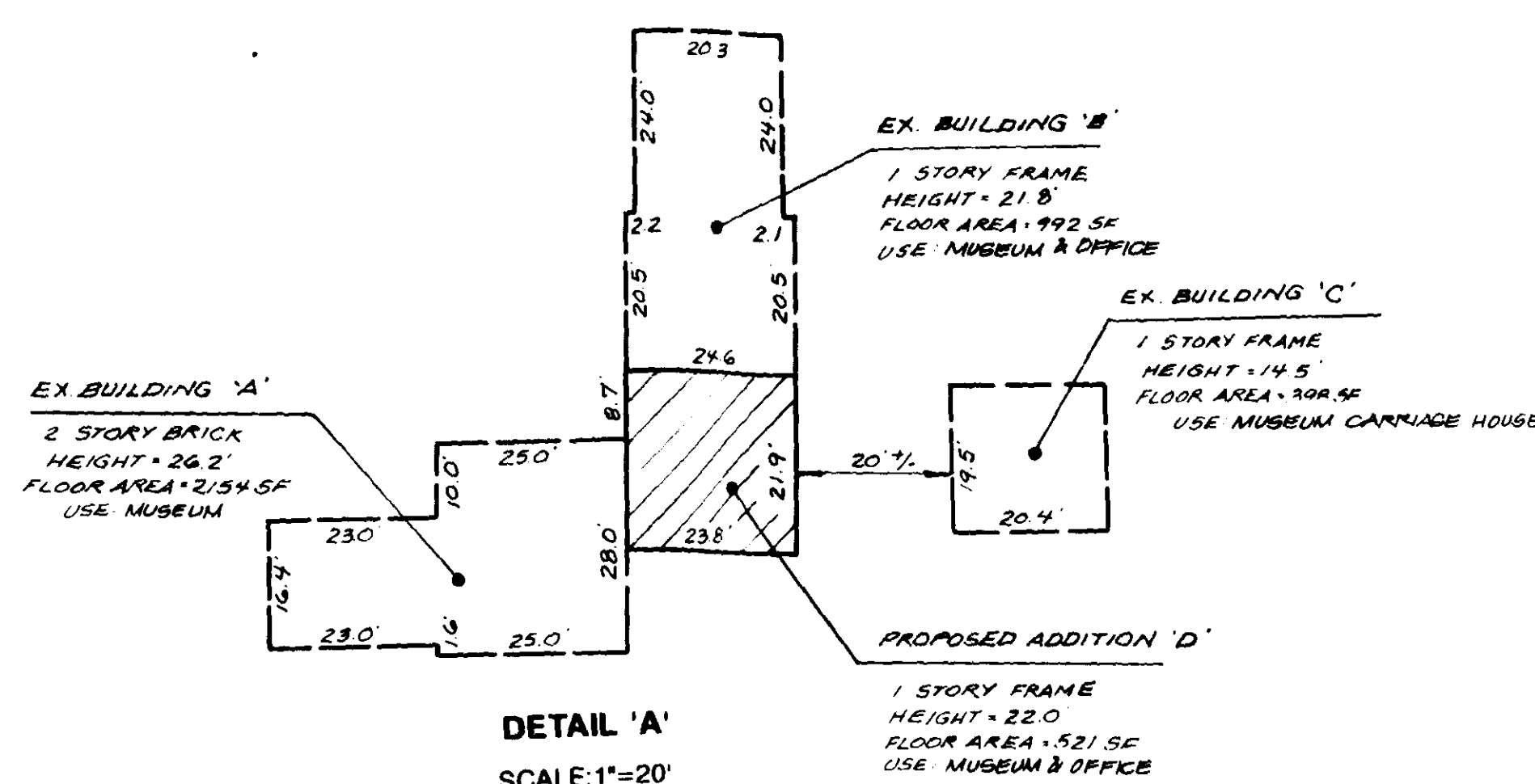
SITE TABULATION

1. Existing Zoning	DR-2
2. Gross Area	57,375 S.F. = 1.317 Ac. ±
3. Net Area	50,625 S.F. = 1.162 Ac. ±
4. Floor Areas	
Building A	2,154 S.F.
Building B	992 S.F.
Building C	398 S.F.
Building D	521 S.F.
Total	4,065 S.F.
5. Floor Area Ratio	(4,065/57,375) = 0.07
6. Parking Required	(4,065 S.F./1,000 x 3.3) = 14 Spaces
7. Parking Provided	14 Spaces



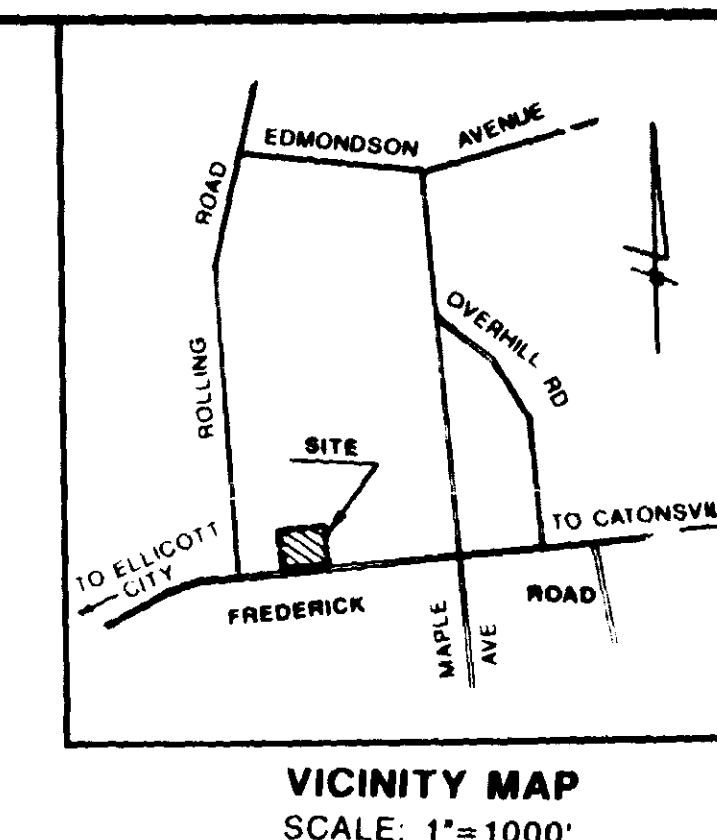
NOTE: ANY PROPOSED SIGNS WILL COMPLY WITH APPLICABLE ZONING REGULATIONS

SIGN DETAIL
SCALE: 1"=1'-0"



FREDERICK ROAD
(MD. STATE ROUTE NO. 144)

PLAN VIEW
SCALE: 1"=40'



PREVIOUS ZONING HEARING DATA

CASE No. 75-148-SPHX
Date of Order: February 10, 1975
Order: Special Hearing granted to approve a museum as part of a Conservatory for Music or other arts.
Special Exception granted to permit a Museum and Conservatory for Music or other arts and for Community Buildings.

ZONING REQUEST

Requesting a SPECIAL HEARING to amend Special Exception 75-148-SPHX to allow on addition to the existing museum for display area and office.
Requesting VARIANCES to Section 1801.2.c.1.a. to allow a 16 foot side yard for the existing Building "C" in lieu of the minimum required 30 feet and a building separation of 20 feet between Building "C" and Addition "D" in lieu of the minimum required separation of 60 feet.
Requesting a VARIANCE to Section 409.8.A.2 and 6 to allow a crushed rock and grass parking area to remain unstriped, in lieu of the required macadam striped parking area.

93-236-SPHA

PLAT TO ACCOMPANY
PETITIONS FOR
SPECIAL HEARING & ZONING VARIANCES
#1824 FREDERICK ROAD
FOR

CATONSVILLE HISTORICAL SOCIETY
(PULLEY MUSEUM BUILDINGS)

1ST ELECTION DISTRICT 11 BALTIMORE CO., MD
SCALE: AS SHOWN JANUARY 4, 1993

OWNER
CATONSVILLE HISTORICAL SOCIETY
1824 FREDERICK ROAD
CATONSVILLE, MARYLAND 21228
410 744-3034

DEED REFERENCE: 5452/931 ACCT. NO. 01-20-550490
TAX MAP 100 GRID 12 PARCEL 106

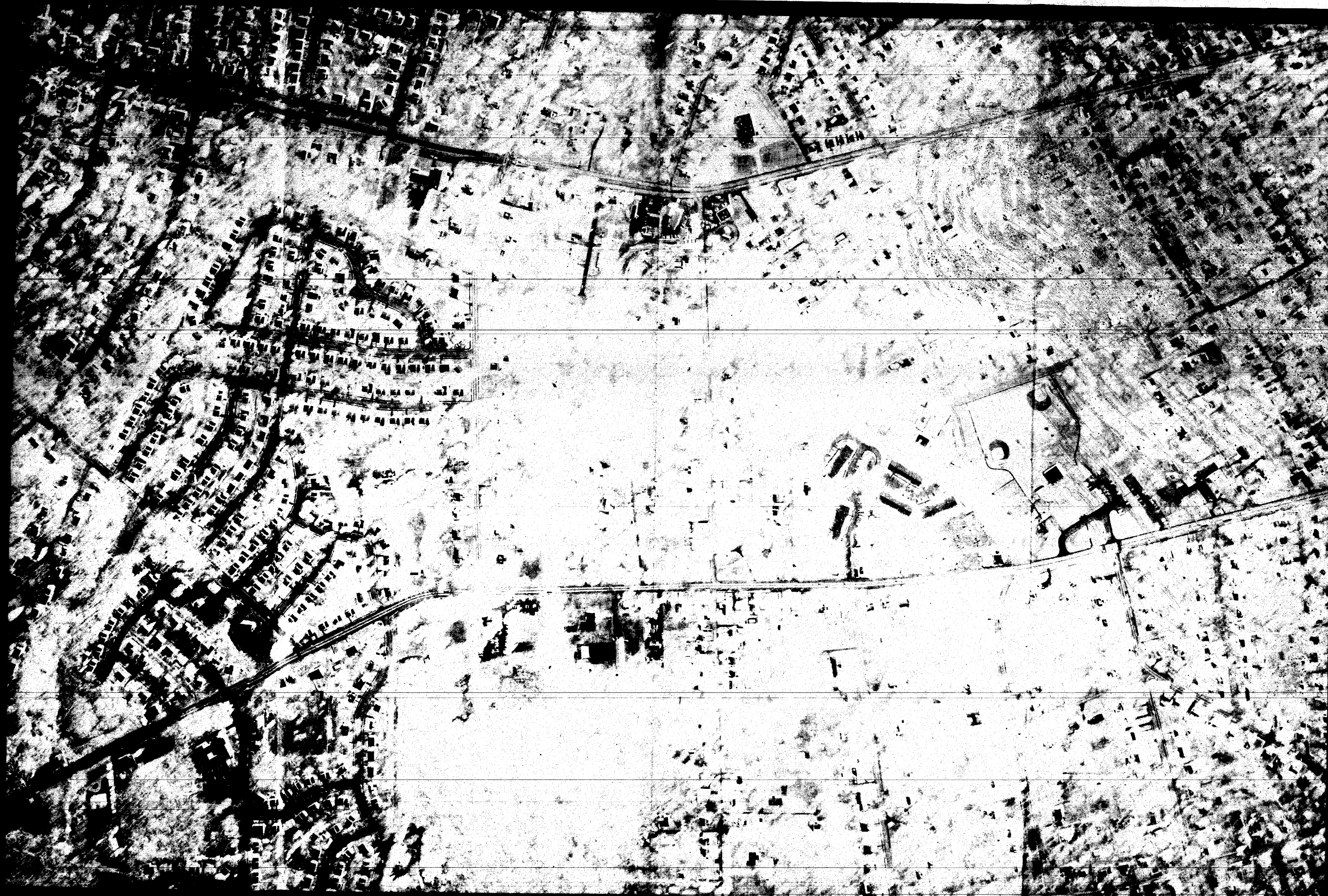
PETITIONER'S
EXHIBIT No. 1

McKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development
SHAWAN PLACE 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
(301) 527-1555



Computed by GCS
Drawn by LJP
Checked by GCS
Job Number 92-108
James W. McKee Date
(Maryland Registered No. 9012)

DATE	REVISION



93-236-SP4A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

Plat No 2

SCALE
1" = 200'

LOCATION

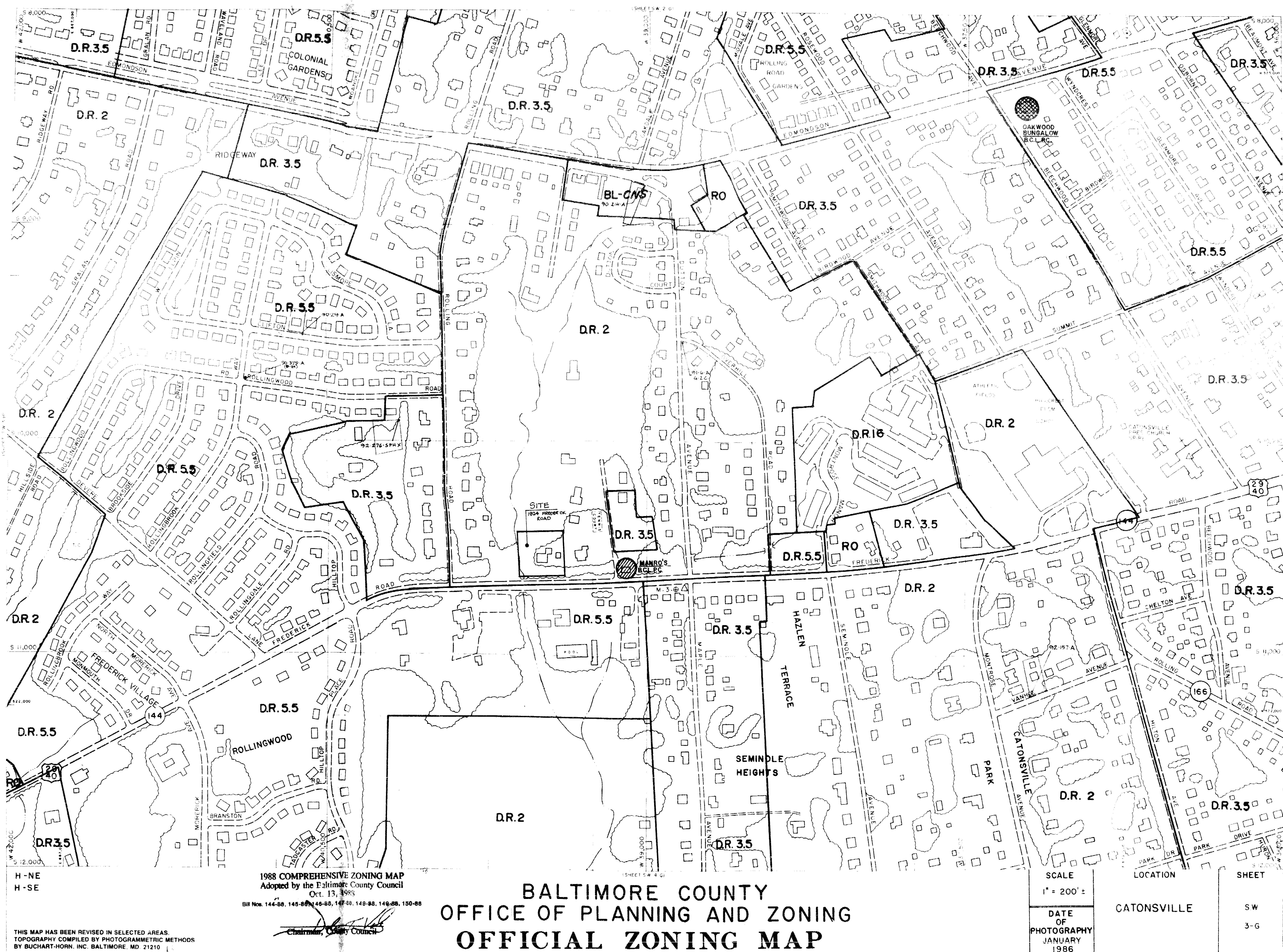
SHEET

DATE
OF
PHOTOGRAPHY
JANUARY

CATONSVILLE

SW
3-6

249



93-236-SPHA